

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VILLAGE OF MELROSE PARK, VILLAGE OF )  
BELLWOOD, VILLAGE OF BERKELEY, CITY OF )  
BERWYN, CITY OF CHICAGO HEIGHTS, )  
VILLAGE OF HILLSIDE, CITY OF NORTHLAKE, )  
VILLAGE OF OAK LAWN, CITY OF PEKIN, )  
VILLAGE OF RIVER FOREST, AND VILLAGE OF )  
TINLEY PARK, ) Civil Action No. 1:18-cv-05288

Plaintiffs, )

v. )

PURDUE PHARMA L.P., PURDUE PHARMA, )  
INC., PURDUE FREDERICK COMPANY, INC., )  
RHODES PHARMACEUTICALS, CEPHALON, )  
INC., TEVA PHARMACEUTICAL INDUSTRIES, )  
LTD., TEVA PHARMACEUTICALS USA, INC., )  
ENDO INTERNATIONAL PLC, JANSSEN )  
PHARMACEUTICALS, INC., JOHNSON & )  
JOHNSON, INC., ORTHO-MCNEIL-JANSSEN )  
PHARMACEUTICALS, INC., JANSSEN )  
PHARMACEUTICA, INC., INSYS )  
THERAPEUTICS, INC., NORAMCO, INC., ENDO )  
HEALTH SOLUTIONS, INC., ENDO )  
PHARMACEUTICALS, INC., ALLERGAN PLC, )  
ACTAVIS PLC, WATSON PHARMACEUTICALS, )  
INC., WATSON LABORATORIES, INC., )  
ACTAVIS PHARMA, INC., ACTAVIS LLC, )  
MALLINCKRODT PLC, MALLINCKRODT LLC, )  
AMERISOURCEBERGEN CORPORATION, )  
CARDINAL HEALTH, INC., MCKESSON )  
CORPORATION, PAUL MADISON, WILLIAM )  
MCMAHON, and JOSEPH GIACCHINO, )

Defendants. )

**DISTRIBUTOR DEFENDANTS' MOTION FOR EXTENSION OF  
TIME TO MOVE, ANSWER, OR OTHERWISE RESPOND TO THE COMPLAINT**

Defendants McKesson Corporation, AmerisourceBergen Drug Corporation, Cardinal  
Health, Inc., Cardinal Health 112, LLC, Cardinal Health 110, LLC, Cardinal Health 108, LLC,

Cardinal Health 105, Inc., and Cardinal Health 414, LLC (collectively, “Distributor Defendants”), by and through the undersigned counsel, hereby file this motion for extension of time to move, answer, or otherwise respond to the complaint, and, in support thereof, state as follows:

1. On May 23, 2018, Plaintiff Village of Melrose Park, Illinois (“Plaintiffs”) and others commenced this action by filing the Complaint in the Circuit Court of Cook County, Illinois, Docket No. 2018 CH 06601.

2. On July 3, 2018, Plaintiffs served the Complaint on Defendant McKesson Corporation (“McKesson”).

3. On August 2, 2018, McKesson, with the consent of all properly joined and served Defendants, removed this case to the United States District Court for the Northern District of Illinois.

4. On August 6, 2018, this case was identified as a potential tag-along action to the multidistrict litigation *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “MDL”).

5. The time for the Distributor Defendants to respond to the Complaint has not yet elapsed.

6. The Distributor Defendants submit that good cause exists to enlarge the time for the Distributor Defendants to respond to the Complaint because, given the uncertainty as to where this case will proceed (*i.e.* in the Northern District of Illinois, the MDL Proceeding, or in the Circuit Court of Cook County, Illinois), it would be a waste of resources for the Distributor Defendants to answer, move, plead, or otherwise respond to Plaintiff’s Complaint at this time, and, to the extent this case is neither transferred to the MDL nor remanded to state court, setting

one deadline for all Distributor Defendants in this action to respond to the Complaint will promote judicial efficiency by preventing staggered motions and briefing deadlines.

7. The undersigned counsel for Defendant McKesson Corporation conferred in good faith with counsel for Plaintiffs both by telephone and email about the terms of this request for extension. To date, counsel have not been able to reach final agreement on this request.

8. Therefore, counsel for Distributor Defendants respectfully request that the Distributor Defendants' deadline by which to answer or otherwise respond to Plaintiffs' Complaint shall be extended to 21 days after the later of (1) this Court's ruling on any motion to remand, should Plaintiffs file one; or (2) the entry of a decision by the Judicial Panel on Multidistrict Litigation granting a motion to vacate a conditional transfer order covering this action or otherwise finally denying transfer of this action to the MDL, whichever is later.

WHEREFORE, Defendants McKesson Corporation, AmerisourceBergen Drug Corporation, Cardinal Health, Inc., Cardinal Health 112, LLC, Cardinal Health 110, LLC, Cardinal Health 108, LLC, Cardinal Health 105, Inc., and Cardinal Health 414, LLC respectfully request that this Court grant their motion and enter an order extending the deadline by which to answer or otherwise respond to Plaintiff's Complaint to 21 days after the later of (1) this Court's ruling on any motion to remand, should Plaintiffs file one, or (2) the entry of a decision by the Judicial Panel on Multidistrict Litigation granting a motion to vacate a conditional transfer order covering this action or otherwise finally denying transfer of this action to the MDL, whichever is later.

Date: August 9, 2018

Respectfully submitted,

/s/ Alexander Vesselinovitch  
Alexander Vesselinovitch (#3122893)  
FREEBORN & PETERS LLP  
311 S. Wacker Drive, Suite 3000

Chicago, IL 60606  
(312) 360-6000  
(312) 360-6520 (facsimile)  
avesselinovitch@freeborn.com

*Attorneys for McKesson Corporation*

/s/ Julie Fix Meyer (with consent)

Raymond R. Fournie (#03126094)  
Anita M. Kidd (#06229585)  
Julie Fix Meyer (#06319219)  
Sarah E. Harmon (#06319219)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Blvd., Suite 1800  
St. Louis, MO 63105-1847  
(314) 621-5070  
(314) 621-5065 (facsimile)  
rfournie@armstrongteasdale.com  
akidd@armstrongteasdale.com  
jfixmeyer@armstrongteasdale.com  
sharmon@armstrongteasdale.com

*Attorneys for Cardinal Health, Inc.; Cardinal Health 112, LLC; Cardinal Health 110, LLC; Cardinal Health 108, LLC; Cardinal Health 105, Inc.; and Cardinal Health 414, LLC*

/s/ Daniel Schlessinger

Daniel Schlessinger  
Margaret Schuchardt  
Tamra Miller  
JASZCZUK P.C.  
311 S. Wacker Drive, Suite 3200  
Chicago, IL 60606  
(312) 442-0509  
(312) 442-0519 (facsimile)  
dschlessinger@jaszczuk.com  
mschuchardt@jaszczuk.com  
tmiller@jaszczuk.com

*Attorneys for AmerisourceBergen Drug Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2018, a true and correct copy of the foregoing was electronically filed with the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Alexander S. Vesselinovitch

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